

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**CHRISTIAN C. HENDRICKS, TRUSTEE
OF THE CHRISTIAN HENDRICKS TRUST,**

Plaintiff,

v.

**MTM BUILDER/DEVELOPER, INC., and
DEAN F. MOREHOUSE,**

Defendants.

2005-CV-0093

**TO: Lee J. Rohn, Esq.
Alan R. Feuerstein, Esq.
Paula D. Norkaitis, Esq.**

ORDER REGARDING MOTIONS TO QUASH

THIS MATTER came before the Court upon Motion to Quash Subpoenas (Docket No. 109), filed by Donovan M. Hamm, Jr., and Edward L. Barry, and Motion to Quash Subpoena (Docket No. 118), filed by Feuerstein & Smith, LLP, on behalf of Alan R. Feuerstein, Esq. The time for filing responses to said motions has expired.

In their motion, Attorneys Hamm and Barry represent that all documents responsive to the subpoenas at issue no longer are within their possession and control. Attorneys Hamm and Barry state that when they ceased representing Plaintiff, they delivered all such documents to Plaintiff's current counsel. In addition, Attorneys Hamm and Barry assert

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that the documents sought by the subpoena are protected by the attorney-client privilege and work product doctrine as such documents were produced or obtained in the course of said attorneys' representation of the Christian Hendricks Trust. Defendant Dean F. Morehouse, who issued the subpoenas at issue, has not opposed said motion. Consequently, the Court finds that the documents sought by the subpoenas issued by Defendant Morehouse to Donovan M. Hamm, Jr., and Edward L. Barry are both no longer within the possession and control of said attorneys and that such documents are protected from being produced by the attorney-client and work product privileges. The Court will grant the said motion to quash.

Alan R. Feuerstein similarly objects to a subpoena issued to him by Defendant Dean F. Morehouse, stating that he is counsel to Christian C. Hendricks and, therefore, that the documents sought by said subpoena are protected by the attorney-client and attorney work product privileges. Attorney Feuerstein also maintains that the subpoena should be quashed for lack of proper service. In the absence of any opposition from Defendant Morehouse, the Court finds that the subpoena was not properly served and that the documents sought by the subpoena at issue are privileged

Accordingly, it is now hereby **ORDERED**:

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1. Motion to Quash Subpoenas (Docket No. 109), filed by Donovan M. Hamm, Jr., and Edward L. Barry, is **GRANTED**.
2. Motion to Quash Subpoena (Docket No. 118), filed by Feuerstein & Smith, LLP, on behalf of Alan R. Feuerstein, Esq., is **GRANTED**.

ENTER:

Dated: February 12, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE